

January 21, 1999



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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JOHN CORNYN
Attorney General

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P.O. Box 12548
Austin, Texas
78711-2548

(512) 463-2100
www.oag.state.tx.us

Mr. Frank M. Crull
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR99-0146

Dear Mr. Crull:

You ask whether certain information is subject to required public disclosure under the Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 121498.

The Texas Department of Public Safety (the "department") received a request for the following information:

Memorandum and notes prepared for Gov. George W. Bush's staff by former Texas Department of Housing and Community Affairs Chief Credit Officer Howard Siegel regarding developments in Sky Harbor Subdivision and Summercite Townhomes. In addition, the letter from your general counsel responding to similar requests from the Dallas Morning News and the Houston Chronicle.

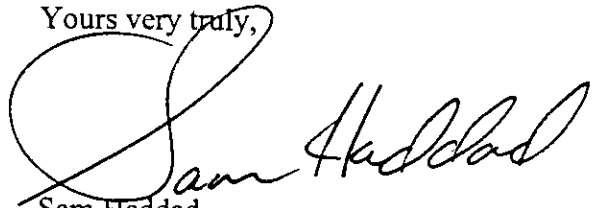
In response to the request, you submit to this office for review a copy of the records at issue. You state that the department has answered the requestor's questions "concerning the other information he has requested in his letter." However, you contend that the submitted information responsive to the request is excepted from disclosure pursuant to section 552.108 of the Government Code.¹ We have considered the exception and arguments you have raised and have reviewed the documents at issue.

¹Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime.

As you have noted, this office has previously ruled on the required public release of the requested information. *See* Open Records Letter No. 98-2430 (1998). You state that "the attached papers directly forms the basis for an ongoing criminal investigation, and the requested information is exempt from required public disclosure under Section 552.108(a)." However, you have provided no specific update of the status of the investigation forming the basis for withholding information in ORL 98-2430. Thus, we assume the status remains unchanged, that is, that the investigation of this matter is ongoing. Accordingly, we conclude that the department may withhold the requested information in accordance with our prior ruling.² *See id.*

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Sam Haddad". The signature is fluid and cursive, with a large loop at the beginning.

Sam Haddad
Assistant Attorney General
Open Records Division

SH/nc

Ref: ID# 121498

Enclosures: Submitted documents

cc: Mr. Maro Robbins
San Antonio Express-News
P.O. Box 2161
San Antonio, Texas 78297-2171
(w/o enclosures)

²We note that the department also has the discretion to release all or part of the information at issue that is not otherwise confidential by law. Gov't Code § 552.007.